

RESOLUTION NO. 2019-56

A Resolution authorizing the acquisition of property for the Old Sheridan Road Improvements Project, and exercising the power of eminent domain.

RECITALS:

The City of McMinnville may exercise the power of eminent domain under ORS 223.105(2) and ORS Chapter 35 when deemed necessary by the City Council to accomplish public purposes for which the City has responsibility.

The City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.

The City is acting to improve Old Sheridan Road including: replacing the bridge over Cozine Creek; the addition of sidewalks and bike lanes; the installation of a left turn lane and traffic signal upgrades at the intersection of Old Sheridan Road and Highway 99W; landscaping; storm water facilities; and street lighting. The project is consistent with the City's adopted 2010 Transportation System Plan, and funding for the project was included in the voter approved 2014 Transportation Improvement bond measure.

The project has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of transportation infrastructure so that property damage is minimized, transportation promoted, and travel safeguarded.

To accomplish the Project, it is necessary to acquire the fee title interest in three (3) parcels and temporary construction easements over four (4) parcels of property located along the existing City right-of-way, as described and shown in Attachment 3.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. The foregoing statements of authority and need are true and the Project is in the public interest.
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Attachment 3 subject to payment of just compensation and to procedural requirements of Oregon law.
3. The City's staff and the City's agents are authorized to negotiate an agreement with the owner and other persons in interest as to the compensation to be paid for each acquisition and, in the event that no satisfactory agreement can be reached, the City's staff and the City's agents are authorized to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition.
4. The City of McMinnville expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 13th day of August 2019 by the following votes:

Ayes: Garvin, Geary, Menke, Peralta, Stassens

Nays: _____

Approved this 13th day of August 2019.



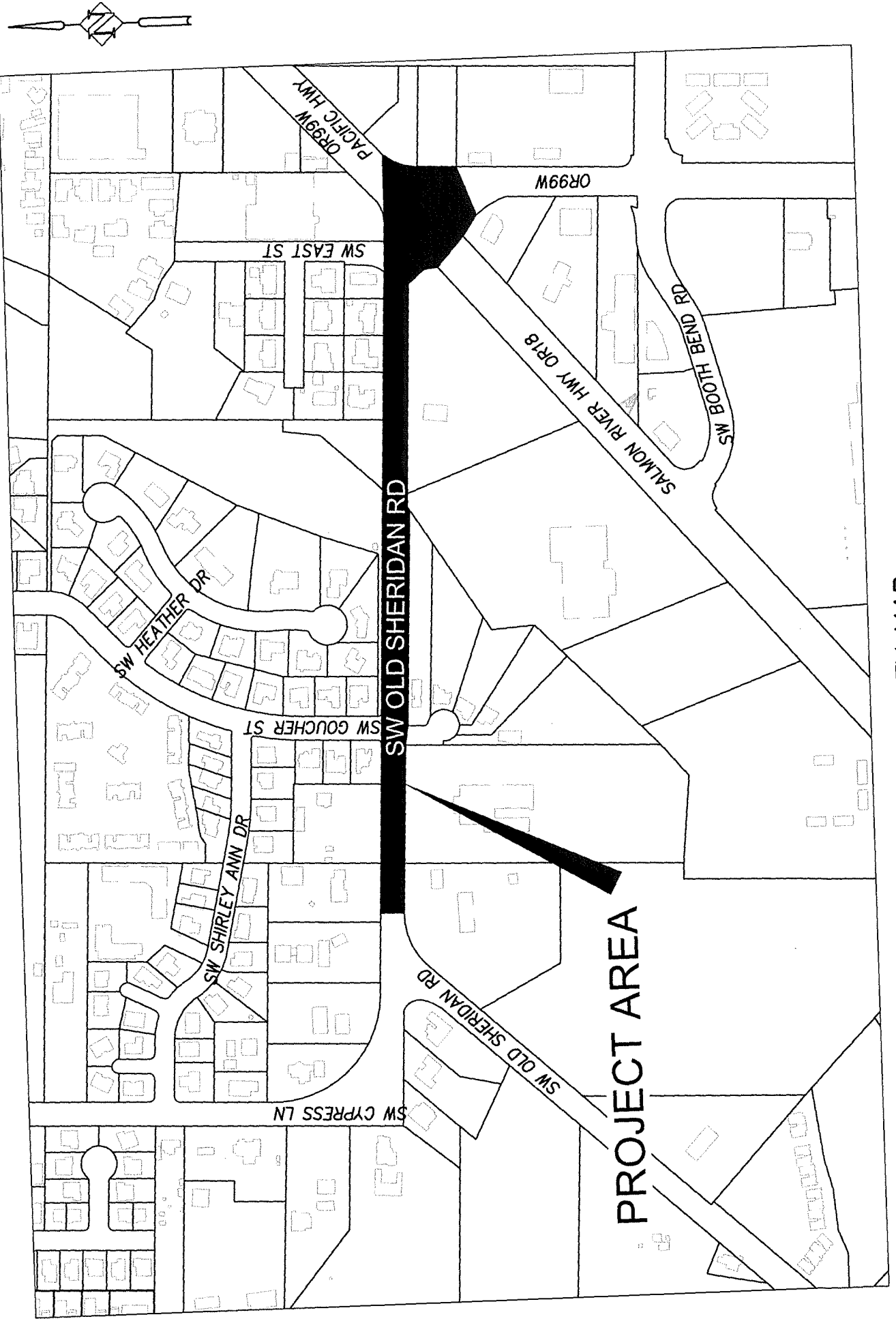
MAYOR

Approved as to form:



CITY ATTORNEY

ATTACHMENT 2



PROJECT AREA

VICINITY MAP

ATTACHMENT 3

Old Sheridan Road Improvements-Parcel & Temporary Construction Easement Acquisition

File Number	Taxlot Number	Property Owner	Property Address	Fee	TCE	ROW to be Acquired?	Comments
1	1700 44 29BD	Gary & Paula Mackey	1125 SW Old Sheridan Road	371 SF	953 SF	Yes	In order to have the necessary space to construct retaining walls and sidewalks.
2	1800 44 29BD	Brandi Pointer	1133 SW Old Sheridan Road	175 SF	808 SF	Yes	In order to have the necessary space to construct retaining walls and sidewalks.
3	1900 44 29BD	Jackson Miller & Kathleen Spring	1149 SW Old Sheridan Road		1044 SF	No	In order to have the necessary space to construct retaining walls and sidewalks.
7	2600 44 29BD	SMS Mobile Homes, Inc.	1120 SW Old Sheridan Road	1748 SF	5198 SF	Yes	In order to realign Old Sheridan at its intersection with Highway 99W and to provide space for the construction of a dedicated left turn lane, bike lanes and sidewalks.

EXHIBIT A

August 2, 2019

Map & Tax Lot No.
4S 4W 29BD-1700

OWNER: Gary P. Mackey
Paula Safford Mackey

Page 1 of 3

Parcel 1 (Fee Simple)

A strip of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of Section 29, Township 4 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon, being a portion of that tract of land as conveyed to Gary P. Mackey and Paula Stafford-Mackey that Statutory Warranty Deed recorded September 6, 2017 as Instrument No. 2017-14380, Records of Yamhill, said parcel being that portion of said property included in a strip of land, variable in width, said line is to be lengthened or shortened to terminate at the boundary lines of said property lying southerly of the following center line described below.

Beginning at the intersection of SW Old Sheridan Road (Market Road No.19) and SW Cypress Lane, a 5/8-inch iron rod with a yellow plastic cap in monument box inscribed "G & L Land Surveying", origin unknown, and with an Engineer's Station of 13+41.81 said intersection bears South 89°42'31" East, a distance of 341.81 feet from the southwest corner of the S.F. Stagg Donation Land Claim No. 55 marked with a 2-1/2 inch brass disk in a monument box inscribed "Yamhill County Surveyor D.L.C. #55 S.W. Cor." as set in Yamhill County Survey Records; thence South 89°42'31" East, along the existing center line of SW Old Sheridan Road (Market Road No.19), a distance of 1662.38 feet to Engineer's Station 30+04.19 and the beginning of the new center line, being at the beginning of a 305.00 foot radius curve to the right, having a central angle of 45°46'44" (the long chord of which bears South 66°49'10" East, 237.26 feet), 243.69 feet to Engineer's Station 32+47.90; and a point on the existing center line of Salmon River Highway (Oregon State Highway 18), Engineer's Station 16+55.77 and the terminus of this description.

Bearings are based on the Oregon Coordinate Reference System, Salem Zone, NAD 83 (2011) Epoch 2010.0.

The widths in feet of said strip of land referred to are as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width left of Centerline</u>
29+50.00		30+02.49	32.88 feet in a straight line to 34.63 feet
30+02.49		30+43.66	34.63 feet, around a curve to the right with a radius of 342.54 feet, a length of 45.77 feet, and which the long chord bears South 87°51'13" East, a distance of 45.73 feet to 36.00 feet
30+43.66		30+53.18	36.00 feet, around a curve to the right with a radius of 341.00 feet, a length of 10.65 feet, and which the long chord bears South 81°24'01" East, a distance of 10.64 feet to 36.00 feet
30+53.18		30+53.41	36.00 feet in a straight line to 34.41 feet

EXCEPTING therefrom that portion lying within the existing right of way of SW Old Sheridan Road (Market Road No. 19).

Containing 371 square feet, more or less.

Parcel 2 (Temporary Construction Easement)

A strip of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of Section 29, Township 4 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon, being a portion of that tract of land as conveyed to Gary P. Mackey and Paula Stafford-Mackey that Statutory Warranty Deed recorded September 6, 2017 as Instrument No. 2017-14380, Records of Yamhill, said parcel being that portion of said property included in a strip of land, variable in width, said line is to be lengthened or shortened to terminate at the boundary lines of said property lying southerly of the above described center line described above.

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width left of Centerline</u>
29+55.00		30+02.31	38.05 feet in a straight line to 39.63 feet
30+02.31		30+16.63	39.63 feet, around a curve to the right with a radius of 347.54 feet, a length of 15.95 feet, and which the long chord bears North 89°38'01" East, a distance of 15.95 feet to 40.10 feet
30+16.63		30+16.20	40.10 feet in a straight line to 51.19 feet
30+16.20		30+55.00	51.19 feet in a straight line to 55.91 feet

EXCEPTING therefrom that portion lying within the existing right of way of SW Old Sheridan Road (Market Road No. 19).

EXCEPTING therefrom that portion lying within Parcel 1.

Containing 953 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 10, 1996
PATRICK M. GAYLORD
2767

Renewed through 6-30-2021

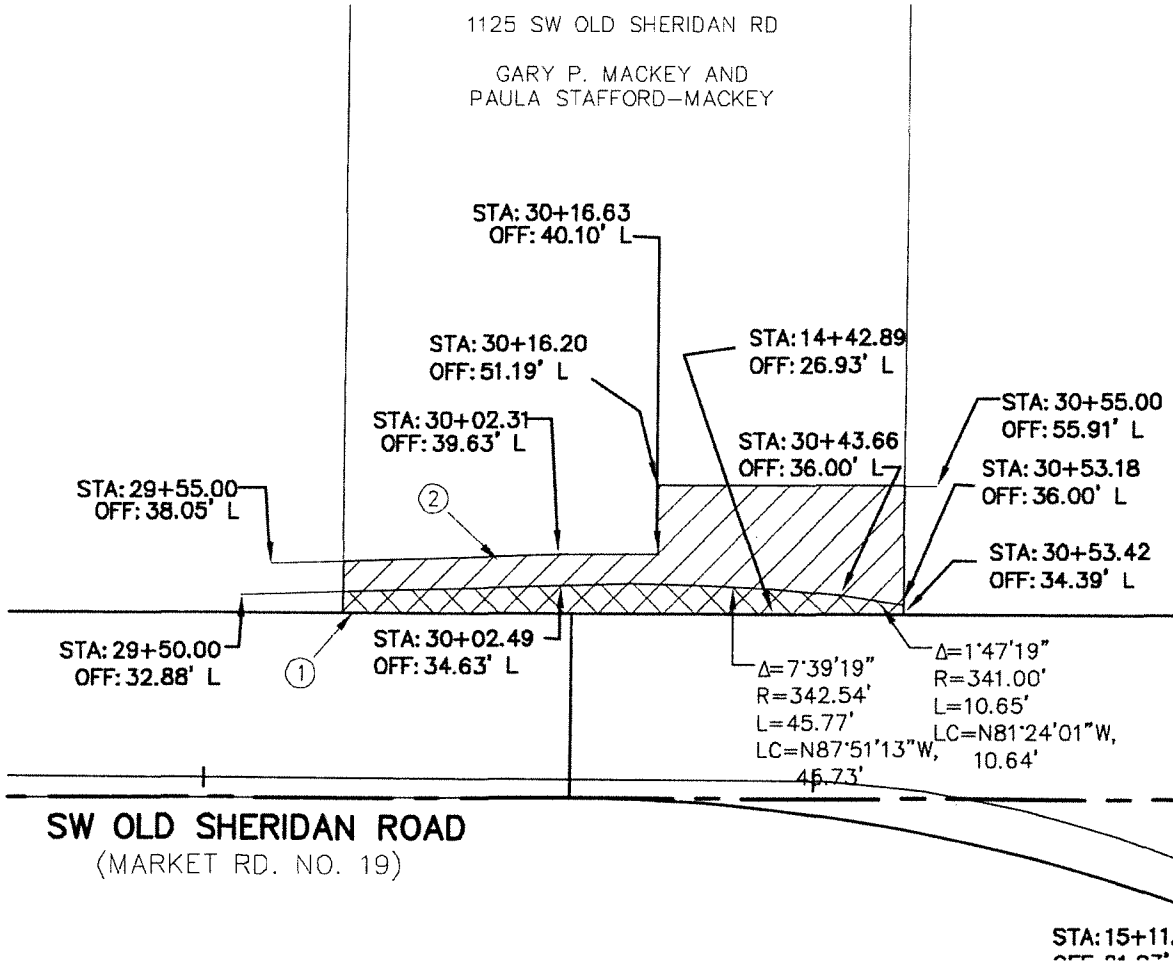
EXHIBIT "B"

FEE SIMPLE & TEMPORARY CONSTRUCTION EASEMENT

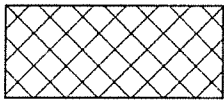
4S4W29BD
TL 1800

4S4W29BD
TL 1700

4S4W29BD
TL 1600



LEGEND



① FEE SIMPLE
± 371 SQ.FT.



② TEMPORARY CONSTRUCTION
EASEMENT
± 953 SQ.FT.



**Harper
Houf Peterson
Righellis Inc.**

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phone: 503.221.1131 www.hhpr.com fax: 503.221.1171
MAC-02 GMW 08/02/2019 PAGE 1 OF 1

SEE ATTACHED
LEGAL DESCRIPTION

EXHIBIT A

August 2, 2019

Map & Tax Lot No.
4S 4W 29BD-1800

OWNER: Brandi Pointer

Page 1 of 2

Parcel 1 (Fee Simple)

A strip of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of Section 29, Township 4 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon and being a portion of that tract of land as conveyed to Brandi Pointer in that Statutory Warranty Deed recorded November 6, 2017 as Instrument No. 2017-17861, Records of Yamhill, said parcel being that portion of said property included in a strip of land, variable in width, and lying northerly of the following center line described below.

Beginning at the intersection of SW Old Sheridan Road (Market Road No.19) and SW Cypress Lane, a 5/8-inch iron rod with a yellow plastic cap in monument box inscribed "G & L Land Surveying", origin unknown, and with an Engineer's Station of 13+41.81 said intersection bears South 89°42'31" East, a distance of 341.81 feet from the southwest corner of the S.F. Stagg Donation Land Claim No. 55 marked with a 2-1/2 inch brass disk in a monument box inscribed "Yamhill County Surveyor D.L.C. #55 S.W. Cor." as set in Yamhill County Survey Records; thence South 89°42'31" East, along the existing center line of SW Old Sheridan Road (Market Road No.19), a distance of 1662.38 feet to Engineer's Station 30+04.19 and the beginning of the new center line, being at the beginning of a 305.00 foot radius curve to the right, having a central angle of 45°46'44" (the long chord of which bears South 66°49'10" East, 237.26 feet), 243.69 feet to Engineer's Station 32+47.90; and a point on the existing center line of Salmon River Highway (Oregon State Highway 18), Engineer's Station 16+55.77 and the terminus of this description.

Bearings are based on the Oregon Coordinate Reference System, Salem Zone, NAD 83 (2011) Epoch 2010.0.

The widths in feet of said strip of land referred to are as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width left of Centerline</u>
28+63.61		29+70.00	30.00 feet in a straight line to 33.55 feet

EXCEPTING therefrom that portion lying within the existing right of way of SW Old Sheridan Road (Market Road No. 19).

Containing 175 square feet, more or less.

Parcel 2 (Temporary Construction Easement)

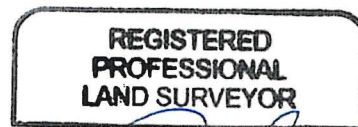
A strip of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of Section 29, Township 4 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon and being a portion of that tract of land as conveyed to Brandi Pointer in that Statutory Warranty Deed recorded November 6, 2017 as Instrument No. 2017-17861, Records of Yamhill, said parcel being that portion of said property included in a strip of land, variable in width, and lying northerly of the following center line described above.

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width left of Centerline</u>
28+70.00		29+32.66	35.22 feet in a straight line to 37.30 feet
29+32.66		29+32.22	37.30 feet in a straight line to 50.66 feet
29+32.22		29+58.20	50.66 feet in a straight line to 51.53 feet
29+58.20		29+58.65	51.53 feet in a straight line to 38.17 feet
29+58.65		29+70.00	38.17 feet in a straight line to 38.55 feet

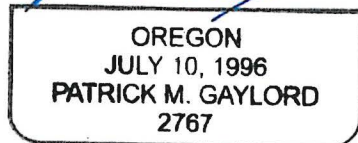
EXCEPTING therefrom that portion lying within the existing right of way of SW Old Sheridan Road (Market Road No. 19).

EXCEPTING therefrom that portion lying within Parcel 1.

Containing 808 square feet, more or less.



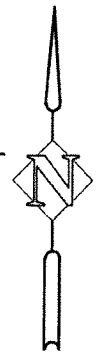
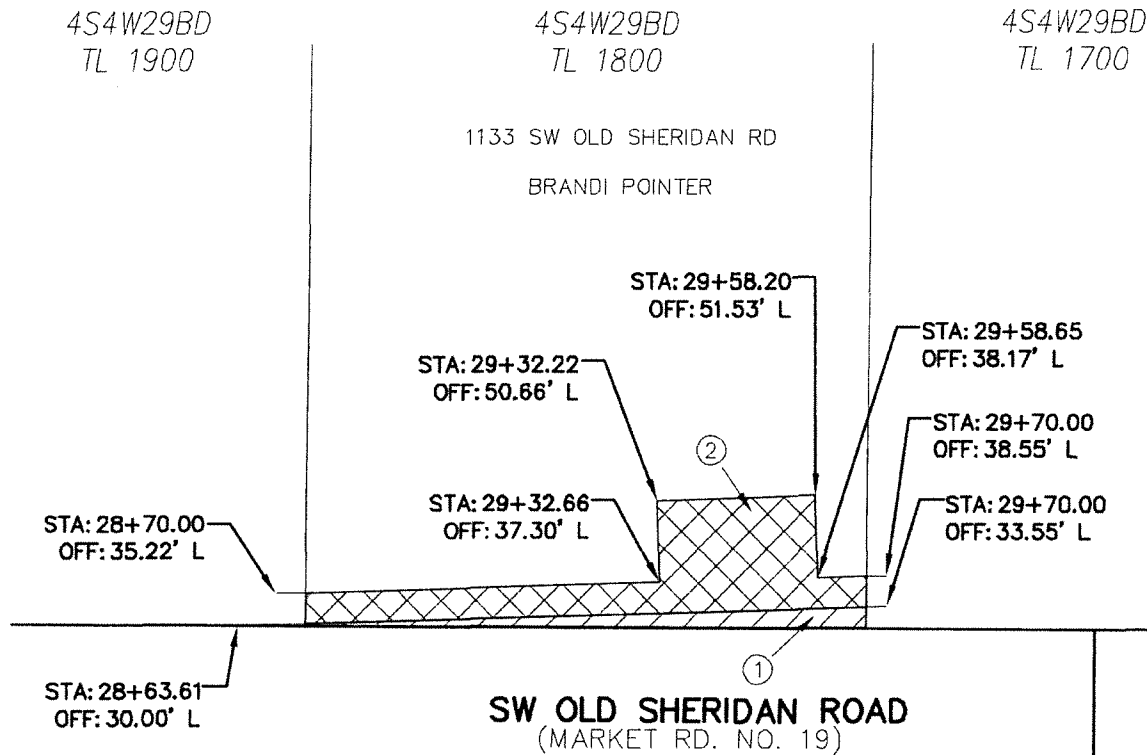
A handwritten signature in blue ink, appearing to read "Patrick M. Gaylord".



Renewed through 6-30-2021

EXHIBIT "B"

FEE SIMPLE & TEMPORARY CONSTRUCTION EASEMENT



SCALE
1" = 30'

LEGEND



① FEE SIMPLE
± 175 SQ.FT.



② TEMPORARY CONSTRUCTION
EASEMENT
± 808 SQ.FT.



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MAC-02 GCB 08/01/2019 PAGE 1 OF 1

SEE ATTACHED
LEGAL DESCRIPTION

EXHIBIT A

August 2, 2019

Map & Tax Lot No.
4S 4W 29BD-01900

OWNERS: Jackson B. Miller and
Kathleen M. Spring

Page 1 of 2

Parcel 1 (Temporary Construction Easement)

A strip of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of Section 29, Township 4 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon and being a portion of that tract of land as conveyed to Jackson B. Miller and Kathleen M. Spring in Statutory Warranty Deed recorded November 20, 2017 as Instrument No. 2007-24905, Records of Yamhill County, said parcel being that portion of said property included in a strip of land, variable in width, and lying northerly of the following center line as described below.

Beginning at the intersection of SW Old Sheridan Road (Market Road No.19) and SW Cypress Lane, a 5/8-inch iron rod with a yellow plastic cap in monument box inscribed "G & L Land Surveying", origin unknown, and with an Engineer's Station of 13+41.81 said intersection bears South 89°42'31" East, a distance of 341.81 feet from the southwest corner of the S.F. Stagg Donation Land Claim No. 55 marked with a 2-1/2 inch brass disk in a monument box inscribed "Yamhill County Surveyor D.L.C. #55 S.W. Cor." as set in Yamhill County Survey Records; thence South 89°42'31" East, along the existing center line of SW Old Sheridan Road (Market Road No.19), a distance of 1662.38 feet to Engineer's Station 30+04.19 and the beginning of the new center line, being at the beginning of a 305.00 foot radius curve to the right, having a central angle of 45°46'44" (the long chord of which bears South 66°49'10" East, 237.26 feet), 243.69 feet to Engineer's Station 32+47.90; and a point on the existing center line of Salmon River Highway (Oregon State Highway 18), Engineer's Station 16+55.77 and the terminus of this description.

Bearings are based on the Oregon Coordinate Reference System, Salem Zone, NAD 83 (2011) Epoch 2010.0.

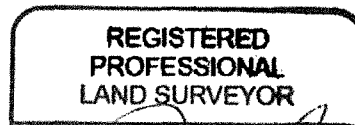
The widths in feet of said strip of land referred to are as follows:

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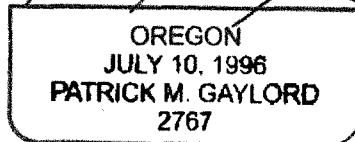
<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width left of Centerline</u>
27+50.00		28+48.54	33.56 feet
28+48.54		28+48.54	33.56 feet in a straight line to 58.13 feet
28+48.54		28+73.25	58.13 feet in a straight line to 58.13 feet
28+73.25		28+74.01	58.13 feet in a straight line to 35.35 feet
28+74.01		28+80.00	35.35 feet in a straight line to 35.55 feet

EXCEPTING therefrom that portion lying within the existing right of way of SW Old Sheridan Road (Market Road No. 19).

Containing 1044 square feet, more or less.



A handwritten signature in cursive script, appearing to read "Patrick M. Gaylord".



Renewed through 6-30-2021

EXHIBIT "B"
TEMPORARY CONSTRUCTION EASEMENT

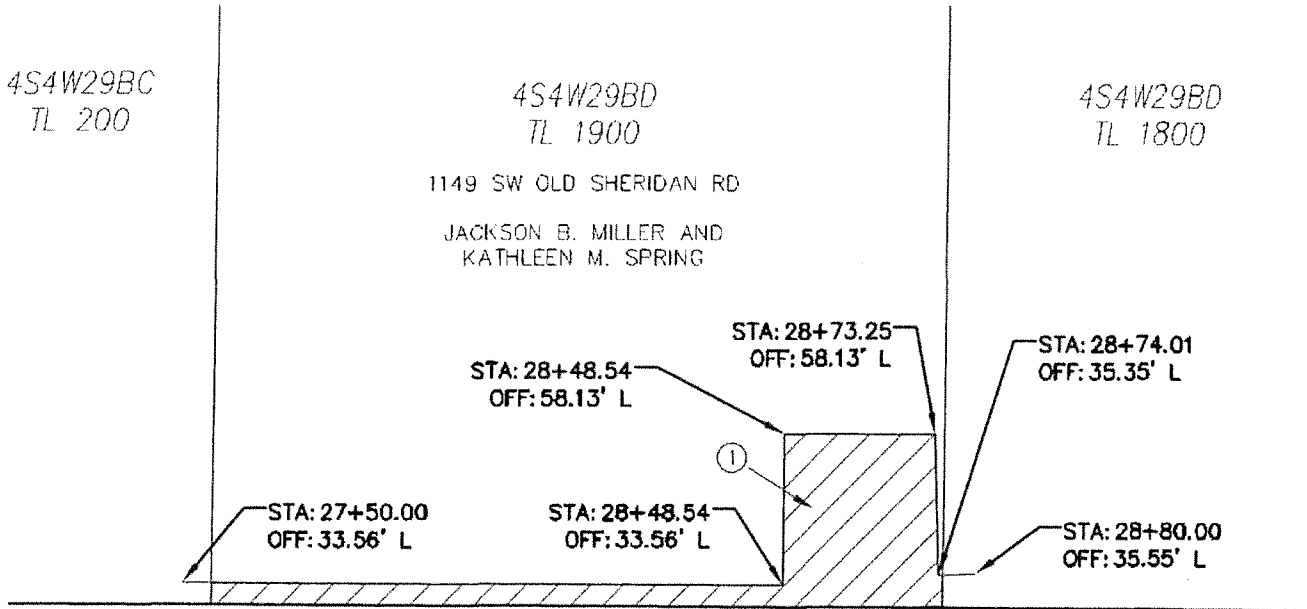
4S4W29BC
 TL 200

4S4W29BD
 TL 1900

4S4W29BD
 TL 1800

1149 SW OLD SHERIDAN RD

JACKSON B. MILLER AND
 KATHLEEN M. SPRING



28+00

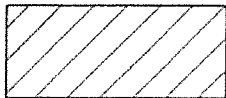
SW OLD SHERIDAN ROAD
 (MARKET RD. NO. 19)

29+00



SCALE
 1" = 30'

LEGEND



① TEMPORARY
 CONSTRUCTION EASEMENT
 ± 1,044 SQ.FT.



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MAC-02 GCB 08/02/2019 PAGE 1 OF 1

SEE ATTACHED
 LEGAL DESCRIPTION

EXHIBIT A

August 2, 2019

Map & Tax Lot No.
4S 4W 29BD - 2600

OWNER: SMS Mobile Homes, Inc.

Page 1 of 3

Parcel 1 (Fee Simple)

A strip of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of Section 29, Township 4 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon, being a portion of that tract of land as conveyed to J&M Homes, LLC, an Oregon Limited Liability Company in a Memorandum Agreement and Assignment of Rents recorded March 5, 2014 as Instrument No. 2014-02402, Records of Yamhill County, said parcel included in a strip of land, variable in width, said line is to be lengthened or shortened to terminate at the boundary lines of said property lying southerly of the following center line as described below.

Beginning at the intersection of SW Old Sheridan Road (Market Road No.19) and SW Cypress Lane, a 5/8-inch iron rod with a yellow plastic cap in monument box inscribed "G & L Land Surveying", origin unknown, and with an Engineer's Station of 13+41.81 said intersection bears South 89°42'31" East, a distance of 341.81 feet from the southwest corner of the S.F. Stagg Donation Land Claim No. 55 marked with a 2-1/2 inch brass disk in a monument box inscribed "Yamhill County Surveyor D.L.C. #55 S.W. Cor." as set in Yamhill County Survey Records; thence South 89°42'31" East, along the existing center line of SW Old Sheridan Road (Market Road No.19), a distance of 1662.38 feet to Engineer's Station 30+04.19 and the beginning of the new center line, being at the beginning of a 305.00 foot radius curve to the right, having a central angle of 45°46'44" (the long chord of which bears South 66°49'10" East, 237.26 feet), 243.69 feet to Engineer's Station 32+47.90; and a point on the existing center line of Salmon River Highway (Oregon State Highway 18), Engineer's Station 16+55.77 and the terminus of this description.

Bearings are based on the Oregon Coordinate Reference System, Salem Zone, NAD 83 (2011) Epoch 2010.0.

The widths in feet of said strip of land referred to are as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width right of Centerline</u>
28+63.61		30+03.19	30.00 feet in a straight line to 34.65 feet
30+03.19		30+43.52	34.65 feet, around a curve to the right with a radius of 267.16 feet, a length of 35.80 feet, and which the long chord bears South 83°57'52" East, a distance of 35.77 feet to 36.00 feet
30+43.52		31+22.29	36.00 feet, around a curve to the right with a radius of 269.00 feet, a length of 69.47 feet, and which the long chord bears South 74°55'19" East, a distance of 69.28 feet to 36.00 feet
31+22.29		31+48.55	36.00 feet, around a curve to the right with a radius of 121.00 feet, a length of 23.17 feet, and which the long chord bears South 62°02'14" East, a distance of 23.14 feet to 37.22 feet
31+48.55		31+56.89	37.22 feet, around a curve to the right with a radius of 28.00 feet, a length of 7.51 feet, and which the long chord bears South 48°52'02" East, a distance of 7.49 feet to 38.90 feet

EXCEPTING therefrom that portion lying within the existing right of way of SW Old Sheridan Road (Market Road No. 19).

Containing 1,748 square feet, more or less.

Parcel 2 (Temporary Construction Easement)

A strip of land, as shown on attached Exhibit "B", lying in the Northwest One-Quarter of Section 29, Township 4 South, Range 4 West, of the Willamette Meridian, Yamhill County, Oregon, being a portion of that tract of land as conveyed to SMS Mobile Homes, Inc. in a Memorandum Agreement and Assignment of Rents recorded March 5, 2014 as Instrument No. 2014-02402, Records of Yamhill County, said parcel included in a strip of land, variable in width, lying southerly of the following centerline as described above.

Station	to	Station	Width right of Centerline
25+50.00		28+63.52	35.00 feet in a straight line to 35.00 feet
28+63.52		29+53.27	35.00 feet in a straight line to 37.99 feet
29+53.27		29+52.33	37.99 feet in a straight line to 85.58 feet
29+52.33		29+96.57	85.58 feet in a straight line to 86.87 feet
29+96.57		30+30.21	86.87 feet in a straight line to 73.25 feet
30+30.21		30+17.79	73.25 feet in a straight line to 54.86 feet
30+17.79		30+17.14	54.86 feet in a straight line to 35.12 feet

EXCEPTING therefrom that portion lying within the existing right of way of SW Old Sheridan Road (Market Road No. 19).

EXCEPTING therefrom that portion lying within Parcel 1.

Containing 5,198 square feet, more or less

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Patrick M. Gaylord

OREGON
JULY 10, 1998
PATRICK M. GAYLORD
2767

Renewed through 6-30-2021

EXHIBIT "B"
FEE SIMPLE

SW OLD SHERIDAN ROAD
(MARKET RD. NO. 19)

30+04.19

STA: 30+03.19
OFF: 34.65' R

STA: 30+43.52
OFF: 36.00' R

STA: 31+22.29
OFF: 36.00' R

STA: 28+63.61
OFF: 30.00' R

①
 $\Delta=7'40'39''$
 $R=267.16'$
 $L=35.80'$
 $LC=N83'57'52''W,$
 $35.77'$ ②

$\Delta=14'47'51''$
 $R=269.00'$
 $L=69.47'$
 $LC=N74'55'19''W,$
 $69.28'$

$\Delta=10'58'19''$
 $R=121.00'$
 $L=23.17'$
 $LC=N62'02'14''W,$
 $23.14'$
 $\Delta=15'22'05''$
 $R=28.00'$
 $L=7.51'$
 $LC=N48'52'02''W,$
 $7.49'$

STA: 31+48.55
OFF: 37.22' R

STA: 31+56.89
OFF: 38.90' R

4S 4W 29BD
TL 2600

1120 SW OLD SHERIDAN ROAD
SMS MOBILE HOMES INC,
AN OREGON CORPORATION

SALMON RIVER HIGHWAY
(OREGON STATE HIGHWAY 18)



SCALE
1" = 50'

LEGEND



① FEE SIMPLE
± 1748 SQ.FT.



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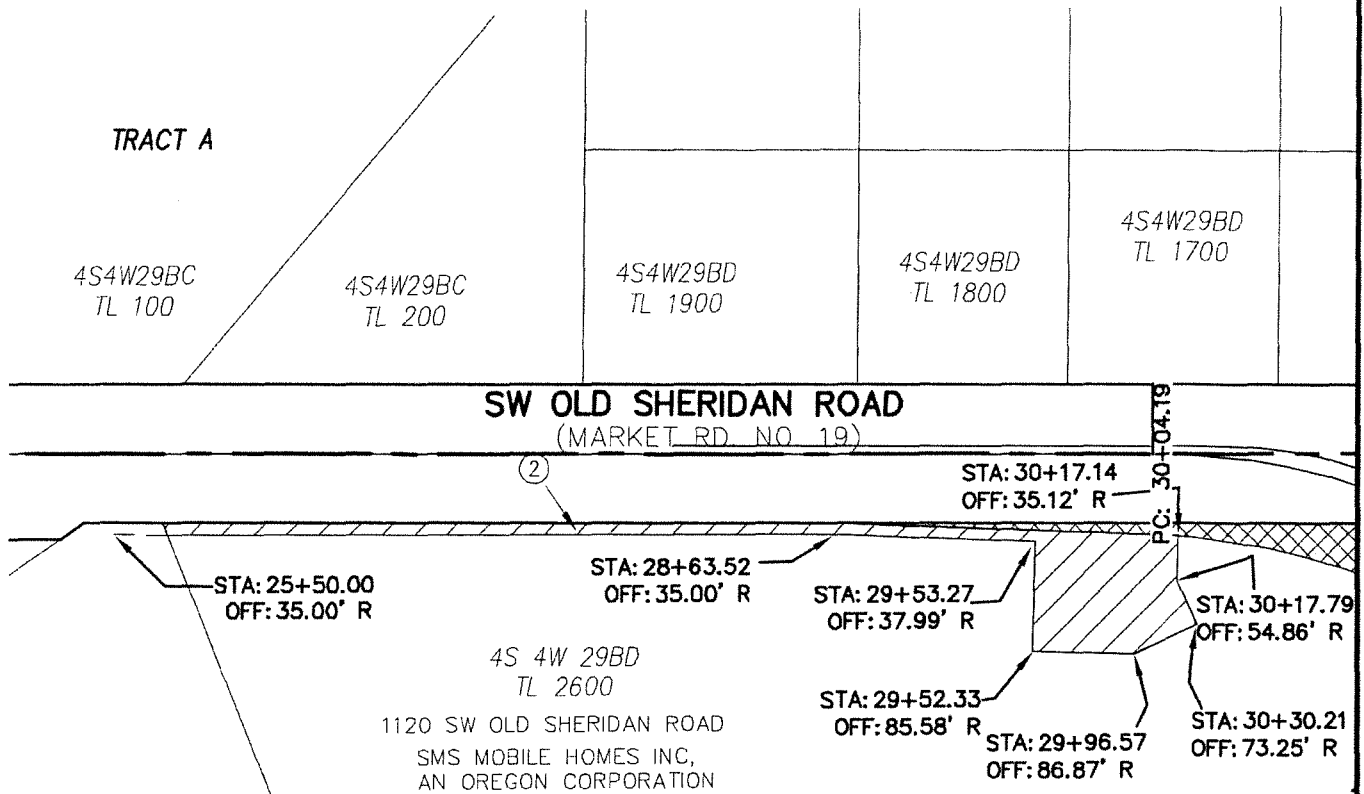
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MAC-02 GCB 08/02/2019 PAGE 1 OF 2

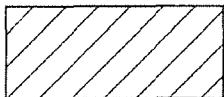
SEE ATTACHED
LEGAL DESCRIPTION

EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT



LEGEND



② TEMPORARY CONSTRUCTION EASEMENT
± 5198 SQ.FT.



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

SEE ATTACHED
LEGAL DESCRIPTION

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MAC-02 GCB 08/02/2019 PAGE 2 OF 2